

**REMARKS**

The Examiner has objected to the specification. Such objection has been avoided with the clarifications made hereinabove to the specification.

The Examiner has further rejected Claims 5, 7-9 and 15-19 under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Such rejection has been avoided with the clarifications made to the claims hereinabove.

The Examiner has still yet rejected Claims 5, 7-9 and 15-19 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Such rejection has been avoided with the clarifications made to the claims hereinabove.

The Examiner has also rejected Claims 1, 3-6, 8-9, 12-14, and 16-17 under 35 U.S.C. 102(e) as being anticipated by Lewis, US Patent 6,233,576. Applicant respectfully disagrees with this rejection, especially in view of the amendments made hereinabove. Specifically, each of the remaining independent claims has been amended to include the subject matter of former dependent Claims 4, 5, 9, 13, and 17 et al.

With respect to Claim 1, the Examiner relies on the Object Authority Manager (OAM) 80 of Figure 1 as well as the following excerpts from Lewis to meet applicant's claimed: "configuration component specifying a list of installable code components that are authorized for installation, wherein the agent will only execute privilege mode functions in response to accesses by the user-mode code component when the installable code component is represented on the list" (see Claim 1 and similar language in remaining independent claims).

"That is, code is written into an application program, which converts or interprets information exchanges sent to/from the application from a first format to a second format. A recent advance on this requirement to re-code individual applications to

enable them to communicate with applications on different platforms is the development of application-enabling communications managers 60, which shield the applications from the complexities of the network and manage the work of providing secure inter-program communications. Such application support is provided by IBM's MQSeries commercial messaging software products." (col. 8, lines 32-44)

"Applications build authorisation files automatically when resources are created, in accordance with predefined authorities for a selected set of resource aspects for the resource type. A computer program product in which the authorisation scheme is implemented holds files which define, for each of a plurality of resource types relevant to the product, the authorities relevant to particular resource aspects and the rules specifying how these authorities are to be mapped to the available operating system permissions. When a resource instance is created, these configuration files are accessed to select the appropriate authorities and mappings for the resource type, and to build authorisation files for that resource which contain this authority and mapping information." (col. 12, line 64 - col. 13, line 9)

It thus appears that the Examiner is relying on the OAM 80 and related functionality (including that cited hereinabove) of Lewis to meet applicant's claimed "configuration component." Lewis' OAM 80, however, merely provides different users with access to different resources based on a related mapping. Such mapping (as defined in Lewis), in no way, however, meets applicant's claimed "list of installable code components that are authorized for installation" (emphasis added). Only applicant teaches and claims such a list of installable code components which are authorized for installation, as claimed.

The Examiner is reminded that a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. Of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Moreover, the identical invention must be shown in as complete detail as contained in the claim. *Richardson v. Suzuki Motor Co.* 868 F.2d 1226, 1236, 9USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim.

This criterion has simply not been met by the Lewis reference, in view of the remarks made hereinabove. Nevertheless, despite the foregoing paramount distinction and in the spirit of expediting the prosecution of the present application, applicant has amended each of the independent claims to include the following subject matter of former Claims 4, 5, 9, 13, and 17 et al.:

“wherein the user-mode component computer code comprises an application software installation wizard;

wherein specifications are included within the configuration component specifying instructions for installing program components into an operating system;

“wherein the agent is capable of creating an instance of the application software installation wizard in accordance with a definition supplied in the configuration component” (see each of the independent claims).

The Examiner has simply dismissed the first two elements (formerly of dependent Claims 4, 9, and 17), without a specific prior art showing, based on Official Notice, since such features allegedly are “well known.” Applicant respectfully disagrees with this assertion, as the Examiner apparently is not considering the full weight of applicant’s claim language.

Specifically, only applicant teaches and claims “an application software installation wizard,” in the specifically claimed context, whereby the wizard is capable of accessing an agent with a list of installable code components that are authorized for installation (as claimed). Further, only applicant teaches and claims a configuration component specifically equipped with instructions for installing program components into an operating system. (emphasis added). It is noted that Lewis does not even suggest or address the technique of providing specific instructions for the particular purpose of installing program components into an operating system itself, specifically as claimed.

Thus, in response to the dismissal of such claimed features under Official Notice, applicant points out the remarks above that clearly show the manner in which such claims distinguish Lewis. Further, applicant formally requests a specific showing of the subject matter in ALL of the claims in any future action. Note excerpt from MPEP below.

"If the applicant traverses such an [Official Notice] assertion the examiner should cite a reference in support of his or her position." See MPEP 2144.03.

Still yet, with respect to the last element (formerly of dependent Claims 5 and 13), the Examiner relies on the following excerpts to make a prior art showing of applicant's claimed "wherein the agent is capable of creating an instance of an installation program in accordance with a definition supplied in the configuration component."

"Applications build authorisation files automatically when resources are created, in accordance with predefined authorities for a selected set of resource aspects for the resource type. A computer program product in which the authorisation scheme is implemented holds files which define, for each of a plurality of resource types relevant to the product, the authorities relevant to particular resource aspects and the rules specifying how these authorities are to be mapped to the available operating system permissions. When a resource instance is created, these configuration files are accessed to select the appropriate authorities and mappings for the resource type, and to build authorisation files for that resource which contain this authority and mapping information." (col. 12, line 64 - col. 13, line 9)

Such excerpt, however, in no way even suggests an installation program (i.e. application software installation wizard), let alone creating an instance of such a program specifically in accordance with a definition that is particularly provided by a configuration component, as claimed. Thus, in view of the foregoing, Applicant respectfully submits that claims 1, 3-6, 8-9, 12-14, and 16-17, as well as new claims 20-26, are not anticipated by Lewis, US Patent 6,233,576.

Applicant further notes that the Examiner's application of the prior art to applicant's remaining dependent claims is further replete with deficiencies. Just by way

of example, the Examiner rejects Claims 2, 7, 10-11, 15, and 18-19 under 35 U.S.C. 103(a) as being unpatentable over Lewis, US Patent 6,233,576 in view of Jaeger and Rubin, "Protocols for Authenticated Download to Mobile Information Appliances."

Specifically, the Examiner relies on page 4, middle of the second column, of Jaeger and Rubin to make a prior art showing of applicant's claimed "configuration component [that] includes a digital signature" and "agent [that] is capable of authenticating the digital signature." It again appears that the Examiner is not taking into consideration the full weight of applicant's claims. Specifically, applicant does not merely claim a "digital signature" and "authenticating the digital signature," but rather a specifically claimed interaction of an *agent* and *configuration component*, as claimed, capable of carrying out such functionality.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed.Cir.1991).

Applicant respectfully asserts that at least the third element of the *prima facie* case of obviousness has not been met, since the prior art references, when combined, fail to teach or suggest all of the claim limitations, as noted above. A notice of allowance or a specific prior art showing of all of applicant's claim limitations, in combination with the remaining claim elements, is respectfully requested.

Still yet, applicant brings to the Examiner's attention the following additional dependent claims that have been added, which include subject matter believed to be novel by applicant:

“wherein the configuration component includes a cabinet (.cab) file” (see Claim 20);

“wherein the cabinet (.cab) file is compressed” (see Claim 21);

“wherein the application software installation wizard is executed utilizing a network browser program” (see Claim 22);

“wherein the application software installation wizard includes a scripted user interface for supplying and obtaining user-specific information including a name and licensing information” (see Claim 23);

“wherein the application software installation wizard makes a call to a create object program component including an executable function defined in a dynamic link library (.dll) file, and the create object program component executes in a user-mode for sending a message to a create object interface of the agent, the message including an identification of the configuration component” (see Claim 24);

“wherein the configuration component includes an initialization file embedded within a cabinet file, the initialization file represented in a plain text format and comprising a plurality of sections each including attribute specifications, the initialization file including an AutoRegister section, an AutoUnregister section, and an allowAdmin section” (see Claim 25); and

“wherein the AutoRegister section includes a listing of file names associated with instructions used to register an associated file with the operating system,

and the AutoUnregister section includes a listing of file names associated with instructions required to remove the associated file from a registry” (see Claim 26).

Thus, in view of the foregoing, Applicant respectfully submits that claims 2, 7, 10-11, 15, and 18-19, as well as new claims 20-26, are not unpatentable over Lewis, US Patent 6,233,576 in view of Jaeger and Rubin, “Protocols for Authenticated Download to Mobile Information Appliances.”

Again, a notice of allowance or a specific prior art showing of all of applicant’s claim limitations, in combination with the remaining claim elements, is respectfully requested.

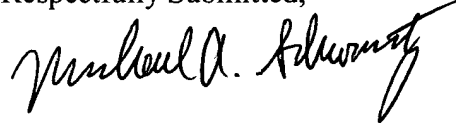
**Additional Fees:**

The Commissioner is hereby authorized to charge any insufficient fees or credit any overpayment associated with this application to Deposit Account No. 19-5127 (19903.0020).

**Conclusion**

In view of the foregoing, all of the Examiner's rejections to the claims are believed to be overcome. The Applicants respectfully request reconsideration and issuance of a Notice of Allowance for all the claims remaining in the application. Should the Examiner feel further communication would facilitate prosecution, he is urged to call the undersigned at the phone number provided below.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Michael A. Schwartz", with a stylized flourish at the end.

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Dated: September 24, 2004

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